

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.21144 of 2015 (O&M)
Date of Decision: 22.01.2016**

Balwinder Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mandeep Singh Sachdev, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Pargat Singh.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.52 dated 25.05.2012, under Sections 302, 341, 323, 324, 506, 148 and 149 of the Indian Penal Code, registered with Police Station Lohian, District Jalandhar.

The cause of dispute is between two families in the Village on account of closure of a passage after demarcation at the behest of co-accused/non-applicant-Darshan Singh.

The occurrence is at around 5:00 AM on 25.05.2012 when Santokh Singh (since deceased) was working in his fields. The land of the co-accused-Darshan Singh and his family i.e. the accused party is adjacent to the same and the provocation of them was the knowledge that Santokh Singh had gone to the Civil Court to file a suit.

In the eye-witness account of Surinder Singh, the family of co-accused-Darshan Singh, armed with deadly weapons, had launched an attack on Santokh Singh and on the complainant party, who had tried to save him.

There is a version and a cross-version. However, in the cross-version, only a private complaint is stated to be pending. There are injuries to six persons on both sides.

Learned Counsel for the petitioner submits that the petitioner/accused-Balwinder Singh is in custody since 27.05.2012, allegedly armed with a *Dang* is attributed injury to the deceased-Santokh Singh and two simple injuries to Rajwinder Singh. He further submits that the co-accused/non-applicant-Balbair Singh, with an identical role, has since been granted regular bail by this Court, vide order dated 26.05.2015 (**Annexure P-16**). He further submits that the material witnesses have since been examined.

Learned State Counsel, assisted by ASI Pargat Singh, is unable to refute the contention qua grant of bail to the co-accused/non-applicant-Balbair Singh and further concedes that only 13 out of 26 prosecution witnesses have since been examined.

Without commenting on the merits of the case, keeping in view the parity of treatment; custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate Jalandhar.

Disposed of.

January 22, 2016

Gagan

**(JASWANT SINGH)
JUDGE**